UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,161	12/06/2000	Jose Alberto Cepeda	17410-00007	9163

7590 09/08/2004

John S. Beulick, Esq.
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Sq.
St. Louis, MO 63102

EXAMINER	
HECK, MICHAEL C	

ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/731,161	CEPEDA, JOSE ALBERTO	
	Examiner	Art Unit	
	Michael C. Heck	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 May 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-21 and 23-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-21 and 23-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Final Office Action is responsive to applicant's amendment filed 11 May 2004. Applicant's amendment of 11 May 2004 amended claim 17 and added claims 57 and 58. Currently, claims 1-3, 5-21 and 23-58 are pending.

Response to Arguments

2. Applicant's arguments filed 11 May 2004 have been fully considered but they are not persuasive. Applicant asserts that neither Morgan et al. (U.S. Patent 5,799,286) nor Karr (Karr, Activity-Based Costing in the Financial Services Industry, Bank Accounting & Finance, Boston Vol. 8, Issue 1, Fall 1994, starting p. 30 [PROQUEST]), considered alone or in combination, describe or suggest a system that includes a server system configured, a computer program, and a method that includes computing an average deal cost per process by dividing for each process the operating expenses allocated to a specific process by a number of times the specific process was performed during the predetermined period of time, determining a complexity factor for each product offered by a business unit by dividing an average cycle time for each product by an average cycle time for all products offered by the business unit wherein a cycle time is defined as an amount of time between a qualified lead to when a deal closes, and calculating deal costs per product by multiplying an average deal cost per process by the complexity factor determined for the specific product to reflect complexity differences between products since each product tends to have a different level of complexity that drives different processes and costs. As to claim 5 and 23, applicant also asserts one

cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. It is noted that the examiner took official notice to claims 10, 12, 28, 31, 38, 39, 50, and 52 where the applicant did not traverse, therefore, the features of claims 10, 12, 28, 31, 38, 39, 50, and 52 are considered common knowledge and well known in the art and are taken as admitted prior art.

In response, Karr teaches that to identify and assign costs using Activity-Based Costing (ABC) banks must take the following steps: book financial transactions to appropriate accounts, aggregate into line items (cost elements) by cost center, map to activity-based process cost pools, determine cost driver and assign costs, and drive pool costs to cost objects. A critical element of Activity-Based Costing (ABC) is the mapping of cost center information to cost pools. Cost pools are process-based, or activity-based, aggregation of costs. Examples of cost pools are loan marketing, loan servicing, and loan workout. For each pool, the bank identifies a driver that relates pool cost to the ultimate cost object. Using the relationship between the driver and objects, the bank allocates pool cost. Complications can arise in driving cost to objects, for example, when all transactions within a given class of driver do not consume an equal amount of costs. To address such issues, the bank can develop cost-weighting mechanisms. For example, high balance accounts could receive some multiple of the cost attributed to low-balance accounts. In the case example, Karr also teaches dividing the total payroll processing cost by the number of payroll checks (Para 18-28 and 31). Morgan et al teach that when a user is perusing a report on-line at the user

workstation through the graphical user interface, the user may elect to "drill down" deeper into the report to determine how a particular dollar figure or a particular piece of information is derived. The topmost layer are the site trend reports showing the unit cost, total units or product volumes, total expenses, full time equivalents, and components (people, equipment, facilities, overhead) costs (col. 20, lines 36-61, and Figure 19). Clearly Karr and Morgan et al. teach average unit cost. Specifically, Karr demonstrates the calculation, this is total processing cost divided by number of occurrences (checks). The applicant's process is an obvious variant of what is well known in the art. The examiner has interpreted cost-weighting mechanisms to be the same as a complexity factor where the intent is to reflect complexity differences between products (transactions) since each product tends to have a different level of complexity that drives different processes and costs. The examiner asserts that it is well known in the art that cycle time is an indication of cost since the longer it takes to produce a product, the more cost is absorbed in the production of that product, therefore, the examiner interprets cycle time as one mechanism to weight cost and is not patentably distinct. Again the applicant's process is an obvious variant of what is well known in the art. The examiner also interprets that the cost-weighting mechanism is inherently used in calculating the cost to be assigned to cost objects. Therefore, using the applicant's complexity factor in the calculation is an obvious variant of what is well known in the art.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Morgan et al. teach an automated activity-based management system, Karr teaches Activity-Based Costing in the financial services industry and Cross et al. teach employing activity-based costing in the commercial lending business to improve its management control systems. Specific reference is made in Cross et al. to software to analyze financial data (Page 28), therefore, the technology and desire by the financial industry to use the technology in activity-based costing prior to the applicant's invention was well established.

Please see the 35 U.S.C. 103(a) rejection indicated below.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1-3, 6-9, 11, 13-16, 18-21, 23-27, 29-30, 32-37, 40-49, 51,** and **53-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent

5,799,286) in view of Karr (Karr, Activity-Based Costing in the Financial Services Industry, Bank Accounting & Finance, Boston Vol. 8, Issue 1, Fall 1994, starting p. 30 [PROQUEST]). Morgan et al. discloses a system and method for allocating operating expenses comprising:

- [**Claim 1**] receiving business information (col. 2, lines 19-22, Morgan et al. teach the system is a relational database that receives traditional accounting information related to activities provided by the user);

- allocating operating expenses incurred over a predetermined period of time to a plurality of processes based on the received business information, the plurality of processes are employed by a business unit to produce a product (col. 4, lines 12-19, Figure 4, and col. 5, lines 35-37, Morgan et al. teach the system allocates the monetary cost or dollars to the activities performed. Additionally, site costs are distributed to management organizations according to the mapping of responsibility);

- computing an average deal cost (col. 2, lines 5-9 and lines 48-54, Morgan et al. teach traditional accounting information and activity information are used to generate cost associated with the activity. Component cost for each activity is computed);

- calculating deal costs per product (col. 20, lines 24-35, Morgan et al. teach that based on the product driver, the cost is mapped to the product. The resultant number is a more meaningful and reliable measure of the actual cost of the product); and

- providing various management reports to track operating expenses by different categories to facilitate strategic decision making processes and improve operational productivity (col. 17, lines 26-28, col. 20, lines 36-40, and col. 21, lines 1-4, Morgan et al. teach the system may generate reports summarizing information for many business purposes. The on-line report capability allows the user to "drill-down" to determine how the cost is derived. The system can be used strategically as a management tool to make strategic and operational decisions).

- [**Claim 17**] receiving business information that includes at least one of a Number of Deals for a Specific Financial Reporting Period, Time spent per process as a percentage of Total Year, Deal Activity Segmentation Factors, Operating Expenses by a Business Unit, and an Average Cycle Time from Qualified Lead to Close in Days by Business Unit by Product Name (col. 2,

lines 19-22 and col. 6, lines 2-15, Morgan et al. teach the system is a relational database that receives traditional accounting information related to activities provided by the user. Each employee enters the percentage of time spent on an activity over a given period of time.);

- allocating operating expenses incurred over a predetermined period of time to a plurality of processes based on the received business information, the plurality of processes are employed by a business unit to produce a product (col.. 4, lines 12-19, Figure 4, and col. 5, lines 35-37, Morgan et al. teach the system allocates the monetary cost or dollars to the activities performed. Additionally, site costs are distributed to management organizations according to the mapping of responsibility);

- computing an average deal cost (col. 2, lines 5-9 and lines 48-54, Morgan et al. teach traditional accounting information and activity information are used to generate cost associated with the activity. Component cost for each activity is computed);

- calculating deal costs per (col. 20, lines 24-35, Morgan et al. teach that based on the product driver, the cost is mapped to the product. The resultant number is a more meaningful and reliable measure of the actual cost of the product); and

- providing various management reports to track operating expenses by different categories to facilitate strategic decision making processes (col. 17, lines 26-28, col. 20, lines 36-40, and col. 21, lines 1-4, Morgan et al. teach the system may generate reports summarizing information for many business purposes. The on-line report capability allows the user to "drill-down" to determine how the cost is derived. The system can be used strategically as a management tool to make strategic and operational decisions).

Morgan et al fail to specifically teach that the business information relates to at least one deal, a deal is a business transaction involving at least one product including at least one of a loan, a lease, a common equity, and a preferred equity. Also, Morgan et al. fail to teach computing an average deal cost per process by dividing for each process the operating expenses allocated to a specific process by a number of times the specific process was performed during the predetermined period of time, and determining a complexity factor for each product offered by a business unit by dividing an average

cycle time for all products offered by the business by an average cycle time for all products offered by the business unit, a cycle time is defined as the amount of time between a qualified lead to when a deal closes, and using the complexity factor to calculate deal cost per product. Karr teaches that to identify and assign costs using Activity-Based Costing (ABC) banks must take the following steps: book financial transactions to appropriate accounts, aggregate into line items (cost elements) by cost center, map to activity-based process cost pools, determine cost driver and assign costs, and drive pool costs to cost objects. A critical element of Activity-Based Costing (ABC) is the mapping of cost center information to cost pools. Cost pools are process-based, or activity-based, aggregation of costs. Examples of cost pools are loan marketing, loan servicing, and loan workout. For each pool, the bank identifies a driver that relates pool cost to the ultimate cost object. Using the relationship between the driver and objects, the bank allocates pool cost. Complications can arise in driving cost to objects, for example, when all transactions within a given class of driver do not consume an equal amount of costs. To address such issues, the bank can develop cost-weighting mechanisms. For example, high balance accounts could receive some multiple of the cost attributed to low-balance accounts. In the case example, Karr also teaches dividing the total payroll processing cost by the number of payroll checks (Para 18-28 and 31). Morgan et al teach that when a user is perusing a report on-line at the user workstation through the graphical user interface, the user may elect to "drill down" deeper into the report to determine how a particular dollar figure or a particular piece of information is derived. The topmost layer are the site trend reports showing the unit

cost, total units or product volumes, total expenses, full time equivalents, and components (people, equipment, facilities, overhead) costs (col. 20, lines 36-61, and Figure 19). Clearly Karr and Morgan et al. teach average unit cost. Specifically, Karr demonstrates the calculation, this is total processing cost divided by number of occurrences (checks). The applicant's process is an obvious variant of what is well known in the art. The examiner has interpreted cost-weighting mechanisms to be the same as a complexity factor where the intent is to reflect complexity differences between products (transactions) since each class of driver does not consume an equal amount of cost. The examiner asserts that it is well known in the art that cycle time is an indication of cost since the longer it takes to produce a product, the more cost is absorbed in the production of that product, therefore, the examiner interprets cycle time as one mechanism to weight cost and is not patentably distinct. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include the financial industry's products with the teachings of Morgan et al. since the teachings of Karr teaches that it is old and well known in the art to include the loan product in activity-based costing (Para 23-24). Morgan et al. teach an automated activity-based management system for a business organization occupying facilities, employing people, and using equipment to produce products or provide services (col. 2, line 16-19). Karr teaches ABC is one of a number of management tools and techniques that originated in the manufacturing sector that are being increasingly adopted by the financial services industry (Para 2). Valuing the cost of a product is paramount to determining whether or not the product is profitable. Banks desire means to improve

profitability analysis and reporting. Incorporating ABC in Banks helps them improve pricing and investment decisions, therefore, product profitability.

- [**Claim 2**] inputting at least one of a Number of Deals for a Specific Financial Reporting Period, Time spent per process as a percentage of Total Year, Deal Activity Segmentation Factors, Operating Expenses by a Business Unit, and an Average Cycle Time from Qualified Lead to Close in Days by Business Unit by Product Name (Morgan et al: col. 6, lines 2-13, Morgan et al. teach entering percentage of time spent on activity for each employee over a given period of time).

- [**Claim 3**] include at least one of a Name of a Business Unit, a Product Name, a Deal Status identifying whether the Deal is Active, Close or Terminated, a Deal Milestone Stages, a Deal Approval Level (Morgan et al.: col. 5, lines 13-25, Morgan et al. teach the system divides a business organization into a business unit or management organization. Examiner notes applicant never defined Deal Activity Segmentation Factors in the specification. As best understood by the examiner, the division of an organization for profit and loss reporting and management responsibility and accountability is a business unit).

- [**Claim 6**] the step of storing business information (Morgan et al.: col. 3, lines 61-63, Morgan et al. teach the accounting data may reside on a data storage device in the form of a database).

- [**Claim 7**] the steps of tracking business information on a real time basis (Morgan et al.: col. 1, lines 59-61 and col. 4, lines 5-11 and 62-67, Morgan et al. teach the system provides continuous, dynamic, and real-time cost information and reports. The reports available may include a trend report. The system user may enter information via a workstation and display reports having two dimensions: level of detail and time);

- storing business information on a real time basis (Morgan et al.: col. 1, lines 59-61 and col. 4 lines 48-50, Morgan et al. teach the system provides continuous, dynamic, and real-time cost information and reports. The data may be stored on a storage device and accessed by a database server); and

- updating the centralized database with revised business information on a real time basis to provide up-to-date information instantaneously to the user upon a request (Morgan et al.: col. 1, lines 59-61 and col. 4, lines 52-55, Morgan et al. teach the system provides continuous, dynamic, and real-time cost information and reports. The database server is linked to the mainframe

computer by a local or wide area network for automated uploading and downloading of information.).

- [**Claim 8**] at least one of adding new information, deleting the current information and editing the current information stored in the database (Morgan et al.: col. 6, lines 64-66, Morgan et al. teach a master list of equipment may be entered, maintained, and updated).

- [**Claim 9**] the step of entering information on-line (Morgan et al.: col. 3, lines 34-66, Morgan et al. teach the user can enter information on a workstation through a graphical user interface (GUI)).

- [**Claim 11**] the steps of: downloading requested information from a server system (Morgan et al.: col. 4, lines 52-54, Morgan et al. teach a database server is linked to a mainframe computer for automated uploading and downloading of information); and

- displaying requested information on a client system in response to the inquiry (Morgan et al.: col. 4, lines 5-11, Morgan et al. teach the system has an on-line reporting feature).

- [**Claim 13**] the step of printing requested information in a pre-determined format (Morgan et al.: Col. 4, lines 5-8 and 62-67, Morgan et al. teach an on-line reporting feature that may generate predefined reports. The reports can be displayed on a graphic user interface running on a workstation. Inherently, a printing capability is incorporated with a computer workstation.)

- [**Claim 14**] printing at least one of Operating Cost by Product identifying Total Costs, Close Deal Costs, Dead Deal Costs, Hit Rate, Close Deal Unit Cost, Total Cost per Close Deal and Operating Cost by Process identifying Cost associated with Lead Generation, Cost associated with PIC, Cost associated with Proposal Issue, Cost associated with Underwritten Deals, Cost associated with Deals Approved, Cost associated with Deals Closed, and Cost associated with all Deals (Morgan et al: col. 4, lines 61-67 and col. 17, line 26 through to col. 20, line 23, Morgan et al. teach generating a number of different reports to include the Site Comparison/6 Month Average Report that reports management organization average product cost. The examiner interprets that the management organization average product cost is operating cost by product. Also, Morgan et al. teach the file server is connected to a user workstation and the graphic user interface is capable of displaying reports. The examiner interprets the user workstation configuration to include a printer.);

- printing at least one of an Operating cost for Loans by Process Report, an Operating Cost by Product Report, and an Operating cost for all Products by Process Report (Morgan et al: col. 4, lines 61-67 and col. 17, line 26 through to col. 20, line 23, Morgan et al. teach generating a number of different reports to include the Site Comparison/6 Month Average Report that reports management organization average product cost. The examiner interprets that the management organization average product cost is operating cost by product. Also, Morgan et al. teach the file server is connected to a user workstation and the graphic user interface is capable of displaying reports. The examiner interprets the user workstation configuration to include a printer.); and

- printing at least one of an Operating costs for Leases by Process Report, an Operating costs for Equity by Process Report, an Operating costs for Common equity by Process Report, and an Operating costs for Preferred Equity by Process Report (Morgan et al: col. 4, lines 61-67 and col. 17, line 26 through to col. 20, line 23, Morgan et al. teach generating a number of different reports to include the Site Comparison/6 Month Average Report that reports management organization average product cost. The examiner interprets that the management organization average product cost is operating cost by product and product to include leases, common equity, and preferred equity. Also, Morgan et al. teach the file server is connected to a user workstation and the graphic user interface is capable of displaying reports. The examiner interprets the user workstation configuration to include a printer.).

- [**Claim 15**] determining at least one of average deal unit costs, beginning and ending inventory for active deals, total cost for terminated and closed deals, operation productivity, and product pricing (Morgan et al: col. 17, line 26 through to col. 20, line 23, Morgan et al. teach generating a number of different reports to include the Site Comparison/6 Month Average Report that reports the six month average product cost per unit, and the Site Product Cost by Management Organization Report that allows users to drill-down to the activities performed within each organization. The examiner interprets deal unit cost to be related to product and activity cost. Inherently, to generate the report the data needs to be determined.); and

- printing at least one of average deal unit costs, beginning and ending inventory for active deals, total cost for terminated and closed deals, operation productivity, and product pricing (Morgan et al: col. 4, lines 61-67 and col. 17, line 26 through to col. 20, line 23, Morgan et al. teach generating a number of different reports to include the Site Comparison/6 Month Average Report that reports management organization average product cost, and the Site Product Cost by Management Organization Report that allows users to

drill-down to the activities performed within each organization. The examiner interprets deal unit cost to be related to product and activity cost. Also, Morgan et al. teach the file server is connected to a user workstation and the graphic user interface is capable of displaying reports. The examiner interprets the user workstation configuration to include a printer.).

- [**Claim 16**] the client system and the server system are connected via a network and wherein the network is one of a wide area network, a local area network, an intranet and the Internet (Morgan et al.: col. 4, lines 54-60, Morgan et al. teach the database server is linked to a mainframe computer by a local or wide area network (LAN/WAN)).

- [**Claim 37**] a displaying component; and a sending component to send an inquiry to the server system so that the server system can process and download the requested information to the client system (Morgan et al.: col. 4, lines 5-67, Morgan et al. teach a graphic user interface to display reports, a database server for uploading and downloading information to the mainframe computer, and an on-line report feature that generates pre-defined or user-defined reports).

- [**Claim 40**] said system is further configured to be protected from access by unauthorized individuals (Morgan et al.: col. 5, lines 4-8, Morgan et al. teach that security may be incorporated to lock out users who do not have authorized access).

- [**Claim 41**] a displaying component for displaying various user interfaces to the user, a receiving component for receiving an inquiry to provide information from one of a plurality of users, a collection component for collecting information from users into the centralized database, a tracking component for tracking information on an on-going basis, and an accessing component for accessing the centralized database and causing the retrieved information to be displayed on the client system (Morgan et al.: col. 3, line 55 through to col. 4, line 67, Morgan et al. teach a graphical user interface for users to input and display data and reports as well as automated system to input data from another computer to the relational database where the data is stored on a data storage device and accessed by a database server. The system tracks current operational performance.).

- [**Claim 42**] a processing component for searching and processing received inquiries against the data storage device containing a variety of information collected by the collection component (Morgan et al.: col. 4. line 5-8 and lines 52-54, Morgan et al. teach the database server is linked to a mainframe computer for uploading and downloading information. The on-line feature may generate predefined or user-defined reports.).

- [**Claim 43**] a retrieving component to retrieve information from the data storage device (Morgan et al.: col. 4, lines 52-67, Morgan et al. teach the workstation may be connected directly to the database server through the LAN/modem. The graphic user interface allows the user to input data or display reports. Inherently, the workstation has a retrieving component to get the information to display.)

- [**Claim 44**] an information fulfillment component that downloads the requested information after retrieving from the data storage device to the plurality of users in the order in which the requests were received by the receiving component (Morgan et al.: col. 4, lines 44-60, Morgan et al. teach that the system is a LAN/WAN using a mainframe backbone connected to a relational database. Furthermore, col. 5, lines 4-9 provides for different levels of access for multiple users.).

- [**Claim 45**] configured to receive input directly from a plurality of individuals and update the centralized database to reflect the current allocation of operating expenses by the business unit at a given time (Morgan et al.: col. 4, lines 44-60, Morgan et al. teach that the system is a LAN/WAN using a mainframe backbone connected to a relational database. Furthermore, col. 5, lines 4-9 provides for different levels of access for multiple users.).

- [**Claim 53**] the network is a wide area network operable using a protocol including at least one of TCP/IP and IPX (Morgan et al.: col. 4, lines 44-60, Morgan et al. teach that the network is a LAN/WAN. IPX and TCP/IP are standard LAN/WAN protocols for transferring data over the network and are therefore considered inherent in Morgan et al.).

- [**Claim 54**] wherein the data is received from the user via a graphical user interface (Morgan et al.: col. 3, lines 64-66, Morgan et al teach a user inputs data on a workstation through a graphical user interface).

- [**Claim 57**] allocating operating expenses incurred over a predetermined period of time to a plurality of processes including qualified leads, pre-proposal issued, proposals issued, deals awarded or credit requests, deals presented to approval committee, deals approved, and deals closed (Morgan et al.: col. 4, lines 12-19, Figure 4, and col. 5, lines 35-37, Morgan et al. teach the system allocates the monetary cost or dollars to the activities performed. Additionally, site costs are distributed to management organizations according to the mapping of responsibility. Karr: Para 14, Karr teaches that ABC identifies costs that are associated with business activities. It employs processes and drivers as its underpinnings, even for overhead costs. Determining the cost of business processes is an important element of ABC.

Morgan nor Karr specifically teach qualified leads, pre-proposal issued, proposals issued, deals awarded or credit requests, deals presented to approval committee, deals approved, and deals closed, however these steps or processes are considered an obvious variant of Morgan et al. and Karr.);

- allocating operating expenses allocated to the deals presented to approval committee to whether the deal was approved at a division level, a headquarter level, or a board of directors level(Morgan et al.: col. 4, lines 12-19, Figure 4, and col. 5, lines 35-37, Morgan et al. teach the system allocates the monetary cost or dollars to the activities performed. Additionally, site costs are distributed to management organizations according to the mapping of responsibility. Karr: Para 14, Karr teaches that ABC identifies costs that are associated with business activities. It employs processes and drivers as its underpinnings, even for overhead costs. Determining the cost of business processes is an important element of ABC.);

- computing an average deal cost for a deal approved at the division level by totaling the average deal cost per process for each of qualified lead, pre-proposal issued, proposals issued, deals awarded or credit requests, deals presented to division level for approval, deals approved, and deals closed (Morgan et al.: col. 2, lines 5-9 and lines 48-54, col. 5, lines 13-55, col. 20, lines 36-61, and Figure 19, Morgan et al. teach traditional accounting information and activity information are used to generate cost associated with the activity. Component cost for each activity is computed. Each site of a business organization is divided into a number of business units or management organizations. A site is not necessarily defined as a physical location, but may be a business unit for which the general ledger accounts have traditionally assigned resources. For each management organization all the activities performed to achieve business objectives thereof are identified. The cost for each activity performed in a management organization is then determined by subdividing the cost of the management organization. When a user is perusing a report on-line at the user workstation through the graphical user interface, the user may elect to "drill down" deeper into the report to determine how a particular dollar figure or a particular piece of information is derived. The topmost layer are the site trend reports showing the unit cost, total units or product volumes, total expenses, full time equivalents, and components (people, equipment, facilities, overhead) costs. The examiner interprets unit cost as average cost. Morgan et al. does not specifically teach "division level", but teach management organization, and does not specifically teach qualified lead, pre-proposal issued, proposals issued, deals awarded or credit requests, deals presented to division level for approval, deals approved, and deals closed, but teach that cost for each activity performed in a management organization is then determined. The specific organizational

level and steps or processes are considered an obvious variant of Morgan et al.);

- computing an average deal cost for a deal approved at the headquarters level by totaling the average deal cost per process for each of qualified lead, pre-proposal issued, proposals issued, deals awarded or credit requests, deals presented to headquarters level for approval, deals approved, and deals closed (Morgan et al.: col. 2, lines 5-9 and lines 48-54, col. 5, lines 13-55, col. 20, lines 36-61, and Figure 19, Morgan et al. teach traditional accounting information and activity information are used to generate cost associated with the activity. Component cost for each activity is computed. Each site of a business organization is divided into a number of business units or management organizations. A site is not necessarily defined as a physical location, but may be a business unit for which the general ledger accounts have traditionally assigned resources. For each management organization all the activities performed to achieve business objectives thereof are identified. The cost for each activity performed in a management organization is then determined by subdividing the cost of the management organization. When a user is perusing a report on-line at the user workstation through the graphical user interface, the user may elect to "drill down" deeper into the report to determine how a particular dollar figure or a particular piece of information is derived. The topmost layer are the site trend reports showing the unit cost, total units or product volumes, total expenses, full time equivalents, and components (people, equipment, facilities, overhead) costs. The examiner interprets unit cost as average cost. Morgan et al. does not specifically teach "headquarters level", but teach management organization, and does not specifically teach qualified lead, pre-proposal issued, proposals issued, deals awarded or credit requests, deals presented to headquarters level for approval, deals approved, and deals closed, but teach that cost for each activity performed in a management organization is then determined. The specific organizational level and steps or processes are considered an obvious variant of Morgan et al.); and

- computing an average deal cost for a deal approved at the board of directors level by totaling the average deal cost per process for each of qualified lead, pre-proposal issued, proposals issued, deals awarded or credit requests, deals presented to board of directors level for approval, deals approved, and deals closed (Morgan et al.: col. 2, lines 5-9 and lines 48-54, col. 5, lines 13-55, col. 20, lines 36-61, and Figure 19, Morgan et al. teach traditional accounting information and activity information are used to generate cost associated with the activity. Component cost for each activity is computed. Each site of a business organization is divided into a number of business units or management organizations. A site is not necessarily defined as a physical location, but may be a business unit for which the general ledger

accounts have traditionally assigned resources. For each management organization all the activities performed to achieve business objectives thereof are identified. The cost for each activity performed in a management organization is then determined by subdividing the cost of the management organization. When a user is perusing a report on-line at the user workstation through the graphical user interface, the user may elect to "drill down" deeper into the report to determine how a particular dollar figure or a particular piece of information is derived. The topmost layer are the site trend reports showing the unit cost, total units or product volumes, total expenses, full time equivalents, and components (people, equipment, facilities, overhead) costs. The examiner interprets unit cost as average cost. Morgan et al. does not specifically teach "board of directors level", but teach management organization, and does not specifically teach qualified lead, pre-proposal issued, proposals issued, deals awarded or credit requests, deals presented to board of directors level for approval, deals approved, and deals closed, but teach that cost for each activity performed in a management organization is then determined. The specific organizational level and steps or processes are considered an obvious variant of Morgan et al.).

Claim 18 recites a method for allocating operating expenses as does claim 14. Hence the same rejection for claim 14 as applied above applies to claim 18.

Claims 19-21, 24-27, 29, 30, 32-36, and 58 recite a system for performing the method of claims 1-3, 6-9, 11, 13-16, and 57 including a web-based system for allocating operating expenses. It is respectfully submitted that Morgan et al. teach computers connected via a wide area network to allocate operating expenses in the manner discussed above for claims 1-3, 6-9, 11, 13-16, and 57.

Claims 46-49, 51, 55, and **56** recite a computer program embodied on a computer readable medium that, when executed by a computer, performs the method of claims 1-3, 6-9, 11, and 13-16. Again, Morgan et al. teach implementing the method of claims 1-3, 6-9, 11, and 13-16 over a computer network as discussed above, therefore requiring a computer program embodied on a computer readable medium.

Therefore, it is respectfully submitted that the system and computer program embodied on a computer readable medium are inherently incorporated in the invention disclosed in Morgan et al. Hence, the same rejection as stated above for claims 1-3, 6-9, 11, and 13-16 applies to system claims 19-21, 24-27, 29, 30, and 32-36 and program claims 46-49, 51, 55 and 56.

Claims 10, 28, 39, and **50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent 5,799,286) and Karr (Karr, Activity-Based Costing in the Financial Services Industry, Bank Accounting & Finance, Boston Vol. 8, Issue 1, Fall 1994, starting p. 30 [PROQUEST]) as applied to claim 1, 19 and 46. The claims recite the attributes of the computer workstation to include the ability to enter information at least through one of a voice activation command and a device connected to the client system. Morgan et al. and Karr fail to teach the detail configuration of the workstation. The examiner takes official notice that it is old and well known in the computer art that the voice activation feature using a device connected to a system may be configured on the computer system to give added capability to the system at the time the inventions was made. For instance, there were various computer dictation software packages for inputting text via voice and other voice activated devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a voice activation feature on the workstation to make it easier for the user to input and retrieve information without the need to physically engage an input device

such as a keyboard or mouse since these available voice activation devices were produced for such a convenience.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent 5,799,286) and Karr (Karr, Activity-Based Costing in the Financial Services Industry, Bank Accounting & Finance, Boston Vol. 8, Issue 1, Fall 1994, starting p. 30 [PROQUEST]) as applied to claim 19. Claim 38 recites the sending component functions in response to a click of a mouse button. Morgan et al. and Karr fail to teach the detail configuration of the workstation. The examiner takes official notice that it is old and well known in the computer art that a mouse is used to execute a command to send an inquiry to the server system. A computer mouse makes it easier for navigating the computer software and executing the commands by a point and click method. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a mouse in the computer configuration to make it easier and faster to execute the commands.

Claims 12, 31, and **52** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent 5,799,286) and (Karr, Activity-Based Costing in the Financial Services Industry, Bank Accounting & Finance, Boston Vol. 8, Issue 1, Fall 1994, starting p. 30 [PROQUEST]) as applied to claims 1, 19 and 46. The claims recite the step of displaying an HTML document downloaded by the server system. Morgan et al. and Karr fail to teach formatting the downloaded reports using

HTML. The examiner takes official notice that it is old and well known in the computer art that HTML is a recognized standard document format for network-based systems to easily maintain document formatting and indexing at the time the invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use HTML formatted documents downloaded from a server system on a network to ensure consistency and ease of data transfer between systems allowing the information to be displayed in the proper and intended format.

5. **Claims 5** and **23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. (U.S. Patent 5,799,286) and Karr (Karr, Activity-Based Costing in the Financial Services Industry, Bank Accounting & Finance, Boston Vol. 8, Issue 1, Fall 1994, starting p. 30 [PROQUEST]) in view of Cross et al. (Cross et al., Activity-Based Costing in Commercial Lending: The case of Signet Bank, Commercial Lending Review, Boston, Vol. 12, Issue 4, Fall 1997, pages 24-30 [PROQUEST]). Morgan et al. and Karr disclose a system and method for allocating operating expenses but fail to teach Deal Milestone stages include at least one of a Qualified Lead, Pre-Proposal Issue, Proposal Issue, Deal Awarded, Presented to Approval Committee, and Approved and Closed. Cross et al. teach a banks commercial lending process may consist of the following high level activities: call to potential customer, credit analysis, loan decision package, review of loan decision package, letter of approval or decline, loan booked (Page 28, col. 1, Para 1-4). The examiner interprets review of loan decision package to be 'Presented to Approval Committee' since the Approval Committee reviews the loan decision package

to determine if to approve or deny the loan. It would have been obvious to one of ordinary skill in the art to identify the loan stages of Cross et al. with the teaching of Morgan et al. and Karr since Morgan et al. and Karr teach that it is well known in ABC to use cost drivers to allocate cost (Morgan et al. col. 20, lines 24-35, and Karr, Para 14). Eliminating non-value added cost improves the profitability of the operation. ABC allocates cost to emphasize valuable activities and de-emphasizes unnecessary activities. Therefore, incorporating ABC in financial services helps identify unnecessary activities that once eliminated will add to the profitability of the company.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Foley (U.S. Patent 5,249,120) discloses an automated manufacturing costing system and method that uses cycle time to calculate direct labor hours and subsequently the cost of labor overhead components.
- Rothschild et al. (U.S. Patent 5,966,694) discloses a method and apparatus for cycle time costing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Heck whose telephone number is (703) 305-8215. The examiner can normally be reached Monday thru Friday between the hours of 8:00am - 4:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (703) 305-9643. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "**Box AF**"]

(703) 746-9419 [Informal/Draft communication, labeled "**PROPOSED**" or "**DRAFT**"]

Hand delivered responses should be brought to 220 South 20th Street, Crystal Plaza Two, Lobby, Room 1B03, Arlington, Virginia 22202.

mch
1 September 2004

TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600